



MO07044-AC

United States  
Department of  
Agriculture

## CERTIFIED RECEIPT REQUESTED

Office of  
Administrative  
Law Judges

April 27, 2010

Hearing Clerk

Floyd and Sharon Harrell  
R. R. 2 Box 120  
Conway, Missouri 65632-9802

Room 1031  
South Building

1400 Independence  
Avenue SW

Washington, DC  
20250-9200

Dear Respondents:

(202) 720-4443  
(202) 720-9776 fax

Subject: **In re: Floyd and Sharon Harrell, Respondents -**  
**AWA Docket No. 10-0251**

Enclosed is a copy of the Complaint, which has been filed with this office under the Animal Welfare Act.

Also enclosed is a copy of the rules of practice which govern the conduct of these proceedings. You should familiarize yourself with rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself personally or by an attorney of record. Unless an attorney files an appearance in your behalf, it shall be presumed that you have elected to represent yourself personally. Most importantly, you have **20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.**

In the event this proceeding does go to hearing, the hearing shall be formal in nature and will be held and the case decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

You must notify us of any future address changes. Failure to do so may result in a judgment being entered against you without your knowledge. We also need your present and future telephone number.

Your answer, as well as any motions or requests that you may hereafter wish to file in this proceeding, should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Questions you may have respecting the possible settlement of this case, should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,

  
L. EUGENE WHITFIELD  
Hearing Clerk

Enclosure(s)

Sent to: Brian Hill, OGC  
Ruth Ann McDermott, APHIS

caa: 4/27/2010



USDA  
OALJ/OHC

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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re: ) AWA Docket No. 10-0251  
 )  
Floyd and Sharon Harrell, )  
 )  
Respondents ) Complaint

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Floyd and Sharon Harrell, hereinafter referred to as the respondents, are individuals who at all times material herein, had a mailing address of R.R. 2, Box 120, Conway, Missouri 65632-9802.

B. The respondents, at all times material herein, were not licensed dealers under the Act and the regulations.

## II

A. During the period from April 27, 2005, through July 5, 2007, respondents sold dogs without a valid USDA license, in willful violation of section 2.1(a)(1) of the regulations (9 C.F.R. § 2.1(a)(1)). Respondents sold, in commerce, at least fifty-two dogs for resale for use as pets. The sale of each animal constitutes a separate violation.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be

set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondents to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondents in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Disqualifying respondents from obtaining a license under the Act and regulations..

Done at Washington, D.C.  
this 23rd day of April, 2010

*Acting* Kevin Sher  
Administrator  
Animal and Plant Health  
Inspection Service

Brian Hill  
Attorney for Complainant  
Office of the General Counsel  
United States Department of  
Agriculture  
Washington, D.C. 20250-1400  
Telephone (202) 720-9237

